

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Customer Number: 20277
Sergey RAZUMOV :
Application No.: 09/788,674 : Confirmation Number: 6036
Filed: February 21, 2001 : Group Art Unit: 3625
For: PURCHASE CHECK OUT ARRANGEMENT IN RETAIL SYSTEM : Examiner: M. A. Fadok

DECLARATION OF INVENTOR UNDER 37 CFR § 132

- 1 I, Sergey N. Razumov, hereby declare and say as follows:
- 2 I am an inventor of the above-captioned application.
- 3 I have read and am familiar with the disclosure and presently pending claims of the above-captioned application.
- 4 I believe that I have discovered the source of a problem addressed by the claimed invention.
- 5 For over ten years, I have been developing a retail chain enabling a customer to order purchases in advance and pick them up at one of multiple retail facilities.
- 6 I have discovered that there are unique challenges for the pre-order type business model to succeed that are not apparent neither to retailers involved with traditional "physical" retail stores nor to retailers operating Internet-based stores.
- 7 In particular, I determined that customers are willing to use a retail chain that requires pre-ordering only if this chain enables them to substantially reduce time spent on shopping. Moreover, I determined that customers of the pre-order type retail chain are people who work regular working hours (e.g. from 9AM to 5PM), and arrive to pick up their purchases at the same time after work. In addition, customers often use public transportation. Therefore, many passengers of a train or bus arriving at a stop near a pick-up facility may come to the pick-up facility at the same time.

8 I concluded that a pre-order type retail model would be able to succeed only if each pick-up facility in the pre-order type retail chain has sufficiently high throughput to avoid long waiting lines even during rush hours.

9. To solve this problem, I developed a control system responsive to ID data of a customer entering a purchase pick-up facility having multiple purchase pick-up points to automatically assign to the customer a purchase pick-up point selected among the multiple purchase pick-up points provided in the pick-up facility (for example, the ID data may be read from the customer's card). Based on the ID data, a request is issued for delivery the ordered purchase from the service area to the purchase pick-up point assigned to the customer. The system is configured to automatically release the purchase pick-up point from the assignment in response to the payment by the customer, and to assign the purchase pick-up point to another customer as soon as the purchase pick-up point is released.

10. Further, I believe that the solution addressed in the above-identified application is not obvious over the prior art.

11. First, I respectfully submit that the combined teachings of the references (Vallabh and Khan) applied in the rejection of the claims under 35 U.S.C. 103 do not teach or suggest the claimed system configured for automatically releasing from assignment to the customer the purchase pick-up point in response to payment by the customer, and for assigning the purchase pick-up point to another customer as soon as the purchase pick-up point is released. Therefore, the claimed invention is not a combination of known elements.

12. Moreover, I respectfully submit that the claimed elements are not mere substitution of one element for another known in the field.

13. To my knowledge, the pick-up point assignment mechanism including the claimed or similar elements are not known in the retail industry.

14. Traditional retail environment involves a store with goods arranged on the stands. A customer enters the store and walks around the stands to select purchases before going to a check-out station. During rush hours, a long line at the check-out station is inevitable and can be addressed only by increasing the number of check-out stations or by perceptions management that handles customers' perceptions of waiting lines.

15. Moreover, in a traditional store, the time spent by a customer waiting in line at the check-out station is only a small fraction of total time spent in the shopping facility. Therefore, the lines are not critical for customer's shopping experience.

16. Therefore, the problem addressed by the claimed invention does not exist in the traditional retail environment. Also, the claimed solution cannot be implemented due to the absence of pre-ordered purchases in the traditional model.

17. In the Internet-based retail environment, the problem addressed by the claimed invention also does not exist, and the claimed solution cannot be implemented because the purchases are delivered to customers' location.

18. Moreover, I believe that at the time the claimed invention was made, the invention, as a whole, would not have been obvious to one of ordinary skill in the art because it provides unexpected results. More specifically, the claimed invention enables creating a novel retail business model that uses pre-ordering of purchases in order to achieve much higher efficiency of retail operations, and, therefore, to provide much lower prices, while maintaining a high level of customer service.

19. For example, the claimed invention is implemented in the Moscow-based Utkonos retail chain that has been operating in Russia for more than 5 years. The Utkonos enables customers to order purchases in advance, and to pick them up very quickly at multiple pick-up locations. The claimed invention is an important aspect of the success achieved by the Utkonos retail chain which is extremely popular among customers because it combines discount prices (due to high efficiency) with an unexpectedly pleasant shopping experience.

20. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code and that such willful statement may jeopardize the validity of the application or any patent issued thereon.



Sergey N. Razumov

16.09.08

Date